

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
Lynchburg Division

BELINDA JONES,

Plaintiff,

v.

Civil Action No: 6:16CV00052

UNITED STATES OF AMERICA,

Serve: **Designated Civil Process Clerk**
Office of the United States Attorney
310 First Street S.W., Suite 906
Roanoke, VA 24011

and

JACLYN ROYAL,

Serve: **1081 Red Fox Lane**
Moneta, VA 24121
(Bedford County)

and

Serve: **Loretta Lynch, Attorney General**
of the United States
US Department of Justice
Rm 4400, 950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001

Defendants.

COMPLAINT

NOW COMES the plaintiff, BELINDA JONES, by counsel, and moves for judgment against the defendants, United States of America, and Jaclyn Royal, jointly and severally, on the grounds and in the amount set forth below:

Jurisdiction

This action arises under the Federal Tort Claims Act, 28 U.S.C. § 1346(b). An administrative claim was presented to, and received by, the United States Postal Service, an

agency of the United States of America, Tort Claims Coordinator, P.O. Box 59331, Charleston, West Virginia 25350 on or about September 25, 2015. The United States Postal Service acknowledged receipt of the administrative claim by letter to plaintiff's counsel dated October 20, 2015. The Postal Service further acknowledged, by letter dated January 21, 2016, it was reviewing and evaluating the claim. Pursuant to 28 U.S.C. § 2675, the claim has been left without further written action for more than six months.

Facts

1. On or about the 11th day of October, 2014, the plaintiff, Belinda Jones, was operating a motor vehicle in an easterly direction on Smith Mountain Lake Parkway, near its intersection with Route 731, in the County of Bedford, in the Commonwealth of Virginia.

2. At that time and place, defendant, Jaclyn Royal, was an employee of the United States Postal Service, an agency of the government of the United States of America, and was operating a motor vehicle owned by Jaclyn Royal or the United States of America or the United States Postal Service and was engaged in her employment with the United States Postal Service delivering United States Mail.

3. At that time and place, it was the duty of the defendant, Jaclyn Royal, to operate her vehicle with reasonable care and with due regard for others using the road.

4. At that time and place, at all pertinent times herein, defendant, Jaclyn Royal, was employed by, and acting within the scope of her office or employment with defendant, the United States of America, and its agency the United States Postal Service.

5. Notwithstanding said duties, the defendant, Jaclyn Royal, carelessly, recklessly, and negligently operated the vehicle owned by her, the United States of America or the United States Postal Service so that it collided with the vehicle operated by the plaintiff, Belinda Jones, with great force and violence.

6. The defendants, Jaclyn Royal and the United States of America, were negligent, including:

- (a) Jaclyn Royal failed to keep a proper lookout;
- (b) Jaclyn Royal failed to maintain proper control of the vehicle she was operating, owned by Jaclyn Royal, or the United States of America, or the United States Postal Service;
- (c) Jaclyn Royal failed to yield the right of way to oncoming traffic, including the plaintiff, Belinda Jones;
- (d) Jaclyn Royal drove her vehicle from off the shoulder of the highway onto the highway, into the path of travel of the plaintiff, Belinda Jones, striking the vehicle operated by Belinda Jones, forcing the vehicle she was operating off the road, causing her vehicle to strike a concrete drain pipe and overturn; and
- (e) Jaclyn Royal operated her vehicle in a reckless and unsafe manner, striking the vehicle operated by the plaintiff, Belinda Jones, with great force and violence, causing multiple impacts and collisions with the vehicle operated by the plaintiff, Belinda Jones.

7. Defendant United States of America, through its agency the United States Postal Service, is liable under the Federal Tort Claims Act and is vicariously liable for the negligence and resulting damages caused by their agent and employee, defendant Jaclyn Royal.

8. As a direct and proximate result thereof, plaintiff, Belinda Jones, sustained damages, including but not limited to, serious and permanent injuries; has suffered and will continue to suffer great pain of body and mind; has sustained permanent disability; has

incurred and will incur in the future, hospital, doctors' and related bills in an effort to be cured of said injuries.

WHEREFORE, plaintiff, Belinda Jones, demands judgment against the defendants, Jaclyn Royal and the United States of America, jointly and severally, in the sum of **TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)** plus interest and costs assessed as of the day of the collision referenced herein.

BELINDA JONES

s/Richard F. Popp, Esquire

Virginia State Bar Number: 30007

Attorney for Plaintiff

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